IN RE: PETITION FOR ZONING VARIANCE N/S Stockton Road, 1320' E of Woodbank Lane

\* ZONING COMMISSIONER

(2014 Stockton Road) \* OF BALTIMORE COUNTY 10th Election District 3rd Councilmanic District \* Case No. 91-407-A

John Alban, et ux Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 8 feet in lieu of the minimum required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by John Alban, appeared and testified. Also appearing on behalf of the Petitioners was David Wolinger with Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2014 Stockton Road, consists of 0.93 acres zoned R.C. 2 and is improved with a single family dwelling and accessory shed. Petitioners are desirous of constructing an addition to the existing dwelling to provide more seasonal habitable space. Petitioners testified they have discussed the matter with their immediately adjoining neighbor on the affected side who have indicated they have no objections to their plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the Szoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 1991 that the Petition for Zoning Variance to permit a side yard setback of 8 feet in lieu of the minimum required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject

> Zoning Commissiner for Baltimore County

JRH:bjs

50% E E

91-407-A

LEGAL DESCRIPTION OF PROPERTY

Beginning on the Northeast side of Stockton Road, 30' wide at a distance of 1700' ± East of the center line of Carroll Road. Being lot, undesignated,

THIS DEED, made this 27 day of February, in the year nineteen hundred and sixty-two, by ELEONORA A. ALBAN, widow, of Baltimore County, State of Maryland, party of the first part, Grantor, to JOHN C. ALBAN and DOLORES G. ALBAN, his wife, parties of the second part, Grantees. WITNESSETH, that in consideration of the sum of Five (\$5.00) Dellara and other good and valuable considerations, receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and  $conve_{\pm}$ unto the said JOHN C. ALBAN and DOLORES G. ALBAN, his wife, as tenanto by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all that parcel of land situated in the Tenth Election District of Baltimore County, Maryland, which per survey made August 31, 1943, by Dollenberg brothers, of Towson, Maryland, is REGINNING for the same at a page heretofore set on the Northeast side of the Stockton Road at the beginning of a parcel of land which by a and dated Pebruary 16, 1938, and recorded among the Land Records of Faltimore County in Liber C.W.B., Jr., No. 1023, tolio 325, was convey Carl J. Walter and wife to John H. Al: an and wife and thence minning Northwalst side of Stockton Road. South of degrees be canciled East  $u^{\pm}, z_{0}$ to the place of beginning. Containing (1997) 1950, from Carl J. Walter and Annie Walter, his wife, to John E M. Memmer 1st, 1960), and recorded among the Land Record. or Ealtr into in labor D.B.S. No. 1859, 1869 J end every the rights, alleys, ways, waters, privileges, acport

advantages to the same belonging or answire appertaining.

property to insure compliance with this Order.

under the penalties of perjury, that I/we are the legal owner(s) of the property

Contract Purchaser:	which is the subject of this Petition.	
	Legal Owner(s):	NO.
	IOHN_ALBAN	
(Type or Print Name)	(Type or Print Name)	
	x John Col	Mban 4.2.
Signature	Signature	
	DOLORES ALBAN	<i>F</i>
Address	(Type or Print Name)	
	x Rolores 2.	alkan
City and State	Signature	- College and the second
NANAKAK Petitioner:		
PATIO ENCLOSURES INC.	2014 STOCKTON RD.	472-2151
(Type or Print Name)	Address	Phone No.
117 CALL AGENT	PHOENIX, MD. 21131	
Signature	City and State	<del></del> _
224_8th_AVENUE,_N.W	Name, address and phone num	ber of legal owner,
Address	tract purchaser or representat	tive to be contacted
GLEN BURNIE, MD. 21061	PATIO ENCLOSURES, I	INC.
City and State	Name	

224 8th AVENUE, N.W.

Address GLEN BURNIE, MD. 21061

I ACRE LET

11-407A

Petitioners Exhibit 3

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floo plan pattern. 2. Insulate and reduce heating bills. 3. Reduce outside noise. 4. A place to sit out and not be concerned with the weather, bugs; mosquitoes,

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-407-A

Variance from Section 1A01.3.B.3 To allow a side yard setback of 8 ft. in lieu

of the minimum required 35 ft.

5. Improve appearance of house.

XANDERSEN'S Telephone No.: \_ J60-1919\_\_\_\_\_

flys, etc.

following reasons: (indicate hardship or practical difficulty)

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

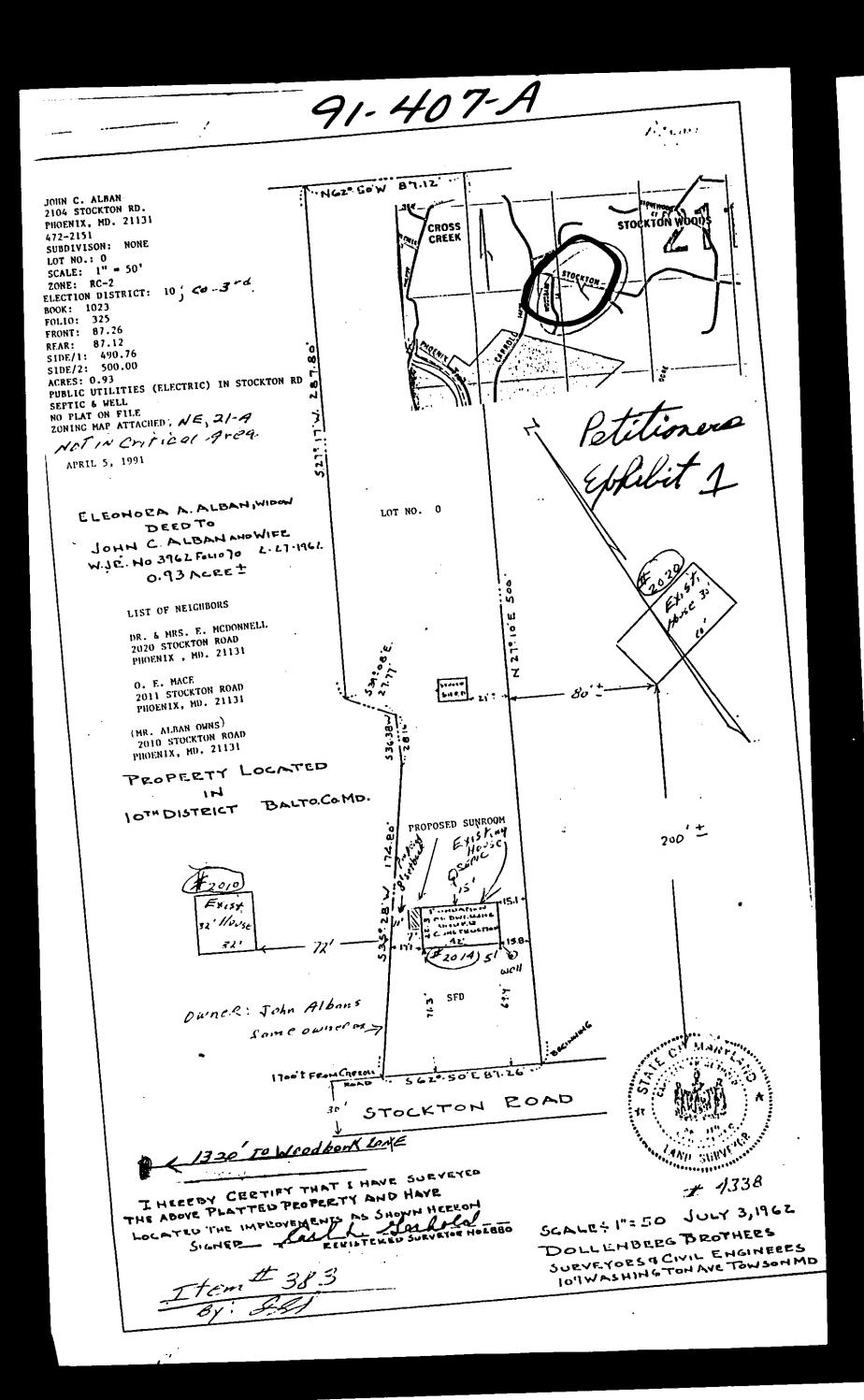
\_\_\_\_\_

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm,

£ 38 91-407-A EIBER 3962 (PAGE) 070

in an undesignated subdivision of Phoenix. Book 1023, Folio 325. Also known as 2014 Stockton Road. In the 10th Election District.

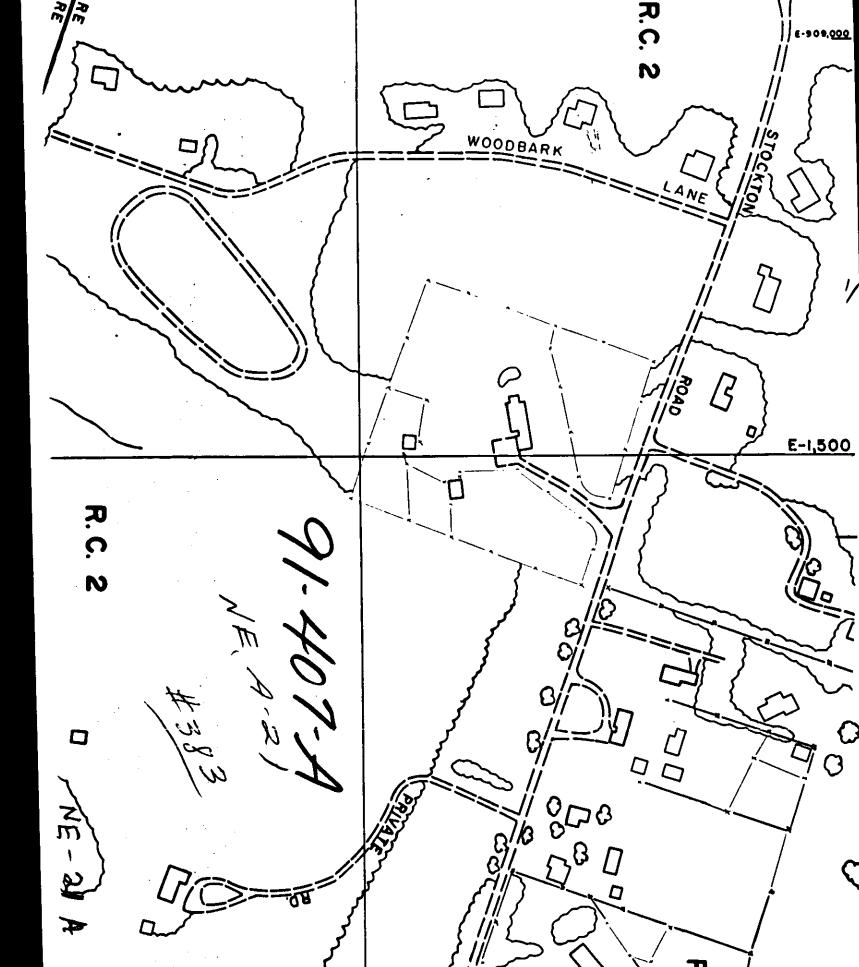


CASE NUMBER 91-407-A



PETITIONER'S EXHIBIT # 2





Baltimore County Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 **60** Account: R-001-6150 Number CALLERY OF BUILDING CONTRACTOR OF STATE OF STATES 100 miles 10 miles 10 miles 10 miles THE RESERVE OF CAMPING WINDOW

Baltimore County Government

887-3353

Zoning Commissioner
Office of Planning and Zoning

June 19, 1991

Enclosed please find a copy of the decision rendered in the

Very truly yours,

J. ROBERT HAINES Zoning Commissioner

for Baltimore County

above-captioned matter. The Petition for Zoning Variance has been granted

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

111 West Chesapeake Avenue

Mr. & Mrs. John Alban

Phoenix, Maryland 21131

RE: PETITION FOR ZONING VARIANCE

John Alban, et ux - Petitioners

in accordance with the attached Order.

(2014 Stockton Road)

Case No. 91-407-A

Dear Mr. & Mrs. Alban:

JRH:bjs

cc: People's Counsel

File

N/S Stockton Road, 1320' E of Woodbark Lane

10th Election District - 3rd Councilmanic District

2014 Stockton Road

Towson, MD 21204

91-407-A 6-12

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

Mr. J. Robert Haines Zoning Commissioner

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383:

Traffic Engineer II

RJF/lvd

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

May 23, 1991

Mr. Robert Tice Patio Enclosures, Inc. 224 8th Avenue, N.W. Glen Burnie, MD 21061

RE: Item No. 383, Case No. 91-407-A Petitioner: John Alban, et ux Petition for Zoning Variance

Dear Mr. Tice:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. John Alban 2014 Stockton Road Phoenix, MD 21131

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 17th day of April, 1991.

> T. ROBERT HAINES ZONING COMMISSIONER

Petitioner: John Alban, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: April 24, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

John Gwiazdowski, Item No. 377 Roland E. Hess, Item No. 356 Richard S. Cook, Item No. 382

Frank Limmer, Item No. 389 David C. Berg, Item No. 391
Marie E. Martin, Item No. 357 Steven G. Hipley, Item No. 374 David G. Rorison, Item No. 376 Timothy C. Seiss, Item No. 378 John Alban, Item No. 383

In reference to the following variance requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTI.ITM/ZAC1

NOTICE OF HEARING

case Number: 91-407-A
N/S Stockon Road, 1320' i
of Woodbark Lane
2014 Stockton Road
10th Election District
3rd Councilments
Petitioner(s):
John Alben, et ux
Hearing Date: Wednesday,
June 12, 1991 at 10:30

Variance: to allow a side yard setback of 8 feet in lieu of the min-imu required 35 feet.

J. ROBERT HAINES
Zoning Commissioner of
Beltimore Cour
TT/J/5/178 May 16.

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

APRIL 12, 1991

Baltimore County Government Fire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

JOHN ALBAN RE: Property Owner:

Location:

#2014 STOCKTON ROAD

Item No.: 383

Zoning Agenda: APRIL 16, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Caft In 11 1/11 4 Approved Caftan wit Brady in We Planning Group Fire Prevention Bureau Special Inspection Division

JK/KEK

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

887-3353

Mr. & Mrs. John Alban 2014 Stockton Road

N/S Stockton Road, 1320' E of Woodbark Lane 2014 Stockton Road 10th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that \$103.67 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ASSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113,

J. Robert faires

ZONTING CONTISSIONER BALTIMORE COUNTY, MARYLAND

cc: Patio Enclosures, Inc

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning 

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting

FROM: Dennis A. Kennedy, P.E.

376, 378, 380, 381 and 383.

Group Meeting may be required.

subdivision comments still apply.

for April 16, 1991

TO: Zoning Advisory Committee DATE: April 17, 1991

The Developers Engineering Division has reviewed

For Item 10-Cycle IV-Case No. R-91-116, County Review

For Item 198-Case No. 91-254-A, the previous minor

For Item 372, this site must be submitted through

Dennis A. Kennedy, P.E., Acting Chief, Developers Engineering Division

the minor subdivision process for review and comments.

the subject zoning items and we have no comments for

Items 9-Cycle IV-Case No. R-91-115, 357, 371, 374, 375,

111 West Chesapeake Avenue Towson, MD 21204

DAK: 8

887-3353

May 7, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-407-A N/S Stockton Road, 1320' E of Woodbark Lane 2014 Stockton Road 10th Election District - 3rd Councilmanic Petitioner(s): John Alban, et ux HEARING: WEDNESDAY, JUNE 12, 1991 at 10:30 a.m.

Variance to allow a side yard setback of 8 feet in lieu of the minimum required 35 feet.

J. Robert Sprines

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: cc: Patio Enclosures, Inc.

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

June 4, 1991

887-3353

Patio Enclosures, Inc. 224 8th Avenue, N.W. Glen Burnie, Maryland 21061

Case Number(s): Petitioner(s):

91-407-A John Alban, et ux 2014 Stockton Road

Dear Sirs:

Location:

Confirming my telephone conversation with Mr. Bob Forrest of your office, the above matter, previously set to be heard on June 12, 1991, has been postponed and rescheduled for <u>TUESDAY</u>, <u>JUNE 18</u>, 1991 at 9:00 a.m.

Very truly yours,

G. G. Stephens (301)887-3391

cc: Mr. & Mrs. Alban

ZOMING DEPARTMENT OF BALTIMORE COUNTY

Location of property: N/S STart Ton Pd. 1320' F/ Wind bert Land 2014 STOCK Ton R& Location of Signe: Facing Stor KTON Rt. George 25' Fr. 700 dway

Mumber of Signs:

111 West Chesapeake Avenue Towson, MD 21204 DATE: 5 21 91

Phoenix, Maryland 21131

Petitioner(s): John Alban, et ux HEARING: WEDNESDAY, JUNE 12, 1991 at 10:30 a.m.

OF THE HEARING.

Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

On property of Sititioner.

CERTIFICATE OF PUBLICATION

TOWSON TIMES,

Publisher

\$ 78.67

THIS IS TO CERTIFY, that the annexed advertisement was

published in TOWSON TIMES, a weekly newspaper published in

Towson, Baltimore County, Md., once in each of successive

weeks, the first publication appearing on May 16, 1991.

Posted by Date of return: 5/24/9/